

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
MINUTES
MADISON, WISCONSIN
AUGUST 25, 1999**

PRESENT: Joan Underwood, David Mickelson, Thomas Evans, Herbert Garn, Wayne Lindgren, Patrick McGuire, E. Jerry Tyler (left at 11:00), Fred Birts (left at 12:00), Robert Karnauskas (by teleconference), Tracy Benzel (unconfirmed), Stephen Donohue (arrived at 9:07)

EXCUSED: Roger Hall

STAFF PRESENT: Alfred Hall and Becky Fry; Bill Black, Legal Counsel

CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Joan Underwood, Chair. A quorum of ten voting members was present.

ADOPTION OF AGENDA

MOTION: David Mickelson moved, seconded by Herbert Garn, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (7/14/99)

MOTION: Fred Birts moved, seconded by David Mickelson, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings reported to the Board that the budget has not been passed.

Secretary Cummings informed the Board that the department is in support of the rules. She indicated that a challenge to the rules has been brought forth regarding an exemption from professional geologist, hydrologist, and soil science licensure for certain governmental employees who delineate wetlands or determine ordinary high-water marks. She indicated that the Hydrology Section is in support of the exemption, but would like the exemption to include people from the private sector as well as government employees.

Secretary Cummings indicated that the application review process was coming along well. She indicated that as strategies are determined for the review of applications, she would like the Sections to develop some type of standards that the staff could adapt to in order to take on some of review responsibility.

Joan Underwood explained the procedures the Geologist Section uses to review applications.

Alfred Hall explained the application review process and what the staff look for when applications are received.

The Board received a copy of application statistics for professional hydrologists and soil scientists. Alfred Hall reviewed the status of applications and the statistics on applications that have been approved and denied, and indicated reasons for denials. He explained that the Hydrology Section requested to have applications photocopied and sent to Section members for review to speed up the review process.

The Board discussed the requirements for Geologists compared to Soil Scientists and Hydrologists, and indicated that the geology degree is very clearly defined compared to hydrology, which complicates the review process for hydrology licensure.

Stephen Donohue indicated that the Hydrologist Section is using the American Institute of Hydrology (AIH) course guidelines to determine whether applicant courses meet the required criteria for professional hydrologist licensure.

Bureau Director's Report

- **Proposed 2000 Meeting Dates**

The Section received a list of 2000 meeting dates.

MOTION: Thomas Evans moved, seconded by Stephen Donohue, to adopt the 2000 meeting dates. Motion carried unanimously.

- **Board Member Binders**

Alfred Hall handed out updated board member binders to members who did not have a copy and reviewed the type of information included in the binder.

- **Walking Quorum**

Bill Black explained and the Board discussed the open meeting rule, the ethics of Board member procedures, a walking quorum and a negative quorum. Bill Black explained what types of issues are appropriate and inappropriate for discussion between two Board members.

Alfred Hall discussed the importance of noticing meetings.

Alfred Hall informed the Board that any type of correspondence that occurs should be forwarded to and handled through the department. The Board discussed correspondence and communication issues.

LEGISLATIVE UPDATE

Discussion of Proposed Legislation Regarding Licensure Exemptions

The Board received a copy of a facsimile from Representative Tim Hoven's office relating to a proposed exemption from professional geologist, hydrologist and soil scientists licensure for certain governmental employees who delineate wetlands or determine ordinary high-water marks.

Alfred Hall informed the Board that the Hydrology Section discussed this issue in a previous meeting. He indicated that the intent of the Hydrology Section is to support a modification of the bill draft indicating that any person would be exempt from hydrology licensure for the explicit purpose of delineating wetlands or determining the ordinary high-water mark of lakes, rivers or streams and that person may not use any title or description that implies that he or she is licensed by the Examining Board.

The Board discussed the issue of exempting individuals from Hydrology and Soil Science licensure for the delineation of wetlands and determining ordinary high-water marks.

MOTION: Stephen Donohue moved, seconded by David Mickelson, that wetland delineation and ordinary high-water marking determination can be performed without professional hydrology, soil science, or geology licensure. (Vote was tabled.)

MOTION: Patrick McGuire moved, seconded by Jerry Tyler, to table the vote on the previous motion until the issues can be discussed further, and more information is received to determine the criteria for wetland delineation and ordinary high-water marking. Motion carried with nine in favor and one opposed.

The Board agreed to have members from both the public and private sector professionals who are involved with wetland delineation and high-water mark determination to present information to the Board to determine criteria for wetland delineation and high-water mark determination.

The Board discussed requiring privately-employed individuals to be licensed, but exempting governmental employees from licensure for wetland delineation and ordinary high-water mark determination.

MOTION: Stephen Donohue moved, seconded by Herbert Garn, to propose an exemption in the statutes, stating a professional hydrologist license is not required for the delineation of wetlands and the determination of ordinary high-water marks. Motion defeated with four in favor and five opposed.

The Board agreed to respond to Representative Hoven's letter stating the Board is not prepared at this time, to take give its opinion on the proposed legislation regarding licensure exemptions until more information is received on what is involved in wetland delineation.

ADMINISTRATIVE RULES

The Board reviewed a draft of the rules and indicated minor changes or corrections. Bill Black will review the draft along with indicated changes for final draft.

Darwin Tichenor addressed exam security issues with relation to the Board's discussion on GHSS 2.06(3). He indicated that the preferred situation would be to require pre-qualification to sit for the exam.

The Board agreed that pre-qualification would be required for applicants to sit for the exam.

Alfred Hall reviewed the timeline for the administrative rules process.

SCR 99-088 Senate Committee on Economic Development, Housing and Government Operations Report

The Board received a copy of a legislative hearing report from Alfred Hall indicating that he and Bill Black appeared before the Senate Committee on Economic Development, Housing and Government Operations, to testify in support of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists rules. Alfred Hall explained to the Board that the Senate Committee heard concerns from constituents in opposition to the administrative rules.

Alfred Hall stated the response to the September 2, 1999 Senate Committee Hearing would be worded similarly to the response to Representative Hoven's office, stating the Board is not prepared to give an opinion on the proposed legislation until further information is received on wetland delineation.

NEW BUSINESS

By consensus the Board agreed to change the March 9, 2000 meeting to March 8, 2000 to have one meeting on a Wednesday and one meeting on a Thursday to accommodate members' needs.

Alfred Hall informed the Board that Roger Hall had surgery.

Joan Underwood asked Alfred Hall to send best wishes to Roger on the Board's behalf.

ADJOURNMENT

MOTION: David Mickelson moved, seconded by Herbert Garn, to adjourn the meeting at 1:20 p.m. Motion carried unanimously.